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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,663	06/29/2001	Tsutomu Chiba	210608US2	9397

22850 7590 10/05/2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
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EXAMINER


RHODE JR, ROBERT E

ART UNIT PAPER NUMBER

3625

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p align="center">09/893,663</p>	<p>Applicant(s)</p> <p align="center">CHIBA, TSUTOMU</p>	
	<p>Examiner</p> <p align="center">Rob Rhode</p>	<p>Art Unit</p> <p align="center">3625</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 11-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____</p> |
|--|---|

DETAILED ACTION

Response to Amendment

Applicant amendment of 8-3-04 amended claims 1 – 10 and 19 – 23 and withdrew claims 11 - 18 as well as traversed rejections of Claims 1 – 10 and 19 - 23.

Currently, claims 1- 10 and 19 - 23 are pending

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

In Claims 19 - 23, the claimed invention is directed to non-statutory subject matter. The claim is directed to a process that does nothing more than manipulate an abstract idea. There is no practical application in the technological arts. See *In re Musgrave*, 167 USPQ 280 (CCPA 1970) and *In re Johnston*, 183 USPQ 172 (CCPA 1974). For example in claim 19, the invention in the *body* of the claim does not cite technology. In this regard, the claim does not recite the use of technology in carrying out the recited method steps and therefore is not statutory. If the invention in the *body* of the claim is not tied to the technological arts, environment or machine, the claim is not statutory. See *Ex parte Bowman*, 61 USPQ2d 1665, 1671 (BD. Pat. App. & Inter. 2001) [Unpublished] and note MPEP 2106 IV 2(b). While *Bowman* is not precedential, it has been cited for its analysis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 10 and 19 - 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhaskaran (US 6,157,915) in view of Thackston (US 6,295,513 B1).

Regarding claim 1 and related claims 6 and 19 (currently amended), Bhaskaran teaches a computer implemented method, apparatus and computer program of assisting the placing of an order for manufacturing a semiconductor device, comprising: registering a maker group having interfaces configured to hand over intermediate results from an upper maker to a lower maker of makers of the maker group in a manufacturing flow of the semiconductor device (Col 3, lines 33 – 42 and Figure 1), including: organizing the maker group from the makers of different categories in the manufacturing flow of the semiconductor device in collaboration with one another (Col 3, lines 43 – 59); confirming the interfaces among the makers in the organized maker group (Col 4, lines 13 – 40); and recording the interface-confirmed maker group; and introducing the maker group (Col 4, lines 41 – 44). Please note that Bhaskaran does not disclose semiconductor devices.

However, Bhaskaran does disclose production and supply by various makers of computers, which include semiconductors. Moreover, Bhaskaran discloses and teaches that the method, apparatus and computer program is not limited to just the examples cited and therefore can be used to produce/manufacture any product. Thereby, it would have been obvious to one of ordinary skill in the art to have extended the method, apparatus and computer program of Bhaskaran with the production/manufacturing of a semiconductor device.

While Bhaskaran does disclose production/manufacturing by various maker groups providing components to each level of maker of a product, the reference does not specifically disclose and teach a method, apparatus and computer program introducing the maker group having the interfaces including: retrieving the maker group groups that satisfies specifications set for the semiconductor device.

On the other hand and in the same area of producing/manufacturing a product such as semiconductor device, Thackston does disclose and teach a method, apparatus and computer program for introducing the maker group having the interfaces including: retrieving the maker group that satisfies specifications set for the semiconductor device (Abstract, Col 34, lines 4-6, Col 36, lines 42 – 63, Col 38, lines 39 – 54 and Figure 20).

Art Unit: 3625

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method, apparatus and computer program of Bhaskaran with the method, apparatus and computer program of Thackston to have enabled a method, apparatus and computer program of assisting the placing of an order for manufacturing a semiconductor device, comprising: registering a maker group having interfaces configured to hand over intermediate results from an upper maker to a lower maker of makers of the maker group in a manufacturing flow of the semiconductor device, including: organizing the maker group from the makers of different categories in the manufacturing flow of the semiconductor device in collaboration with one another; confirming the interfaces among the makers in the organized maker group; and recording the interface-confirmed maker group; and introducing the maker group; introducing the maker group having the interfaces including: retrieving the maker group groups that satisfies specifications set for the semiconductor device – in order to have a completed supply chain for production/manufacturing a product, which includes selected maker groups for various components. Bhaskaran discloses a method, apparatus and computer program of assisting the placing of an order for manufacturing a semiconductor device, comprising: registering a maker group having interfaces configured to hand over intermediate results from an upper maker to a lower maker of makers of the maker group in a manufacturing flow of the semiconductor device, including: organizing the maker group from the makers of different categories in the manufacturing flow of the semiconductor device in collaboration with one another; confirming the interfaces among the makers in the organized group; and recording the

Art Unit: 3625

interface-confirmed maker group; and introducing the maker group (Abstract and Figure 1). Thackston discloses a method, apparatus and computer program for introducing the maker group having the interfaces including: retrieving the maker group groups that satisfies specifications set for the semiconductor device (Abstract, Col 34, lines 4-6, Col 36, lines 42 – 63, Col 38, lines 39 – 54 and Figure 20). Therefore, one of ordinary skill in the art would have been motivated to extend the method, apparatus and computer program of Bhaskaran with a method, apparatus and computer program for introducing the maker group having the interfaces including: retrieving the maker group groups that satisfies specifications set for the semiconductor device. In this manner the entire supply chain is coordinated as well as ensuring that qualified makers who meet design specifications produce/manufacture the product with high quality and to meet customer order schedules.

Regarding claim 2 and related claims 7 and 20 (currently amended), Bhaskaran teaches a computer implemented method, wherein: said registering a maker group includes inviting the makers (Abstract and Figure 1). Please note that Bhaskaran does not specifically disclose inviting. However, Bhaskaran does disclose supply chain, which require inviting members to participate through formal RFP process as taught by Thackston or by past experience. In this regard, it would have been obvious to one of ordinary skill in the art at the time of the invention to have extended Bhaskaran with inviting and thereby formally invited participants to the maker group.

Art Unit: 3625

Regarding claim 3 and related claims 8 and 21 (currently amended), Thackston teaches a computer implemented method, wherein: said introducing maker groups includes assisting the retrieved maker group groups selected for placing the order for manufacturing the semiconductor device (Abstract and Col 2, lines 14 – 65 and Col 4, lines 41 – 50).

Regarding claim 4 and related claims 9 and 22 (currently amended), Thackston teaches a computer implemented method, apparatus and computer program, wherein: said introducing maker groups includes assisting to determine the specifications (Col 1, lines 65 – 67 and Col 2, lines 1 – 2).

Regarding claim 5 and related claims 10 and 23 (currently amended), Bhaskaran teaches a computer implemented method, wherein: said introducing maker groups includes scheduling delivery dates when the makers of the retrieved maker group groups hand over the intermediate results (Col 1, lines 44 – 53).

Response to Arguments

Applicant's arguments with respect to claims 1- 10 and 19 - 23 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that Thackston does not disclose or suggest the claimed interface.

As per the MPEP 2111, the specification cannot be read into the claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Smith** can be reached on **(703) 308-3588**.

Art Unit: 3625

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

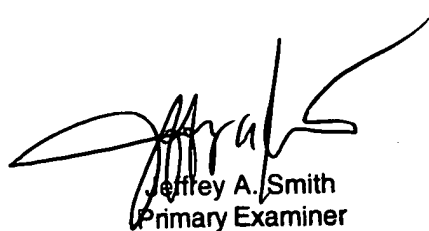
or faxed to:

(703) 872-9306 [Official communications; including
After Final communications labeled
"Box AF"]

(703) 746-7418 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

RER



Jeffrey A. Smith
Primary Examiner